

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

**DECLARATION OF
TERRENCE J. FLEMING IN
SUPPORT OF DEFENDANTS'
MOTION FOR LEAVE TO FILE
AMENDED ANSWER**

Defendants.

I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and ACE American Insurance Company in this case.

2. Attached as **Exhibit A** to this Declaration is Defendants Federal Insurance Company and ACE American Insurance Company's Proposed Amended Answer to Plaintiff Fair Isaac Corporation's Second Amended Complaint.

3. Attached as **Exhibit 1** is a true and correct copy of the 2006 Software License and Maintenance Agreement between the parties and its Amendments One and Two (FICO0000208-223; FICO0002118-2119; FICO0000226-228.)

4. Attached as **Exhibit 2** is a true and correct copy of a January 8, 2016 email from Michael Sawyer (FICO0003090-3092.)

5. Attached as **Exhibit 3** is a true and correct copy of a March 11, 2016 email from Thomas Carretta (FICO0004919.)

6. Attached as **Exhibit 4** is a true and correct copy of a March 30, 2016 letter from Thomas Carretta (FICO0003133.)

7. Attached as **Exhibit 5** is a true and correct copy of Plaintiff Fair Isaac Corporation's Answers to Defendant's First Set of Interrogatories dated May 18, 2017.

8. Attached as **Exhibit 6** is a true and correct copy of Plaintiff Fair Isaac Corporation's First Supplemental Answers to Defendant's First Set of Interrogatories dated August 16, 2017.

9. Attached as **Exhibit 7** is a true and correct copy of Plaintiff Fair Isaac Corporation's Second Supplemental Answers to Defendant's Interrogatory Nos. 6-9 dated April 23, 2018.

10. Attached as **Exhibit 8** is a true and correct copy of excerpts from the October 9, 2018 deposition of Thomas Carretta.

11. Attached as **Exhibit 9** is a true and correct copy of excerpts from the March 22, 2019 deposition of Thomas Carretta.

12. Attached as **Exhibit 10** is a true and correct copy of excerpts from the expert report of Neil Zoltowski dated April 19, 2019.

13. Attached as **Exhibit 11** is a true and correct copy of excerpts from the June 19, 2019 deposition of Brooks Hilliard.

14. Attached as **Exhibit 12** is a true and correct copy of excerpts from the expert report of Dr. Steven Kursh dated May 17, 2019.

15. Attached as **Exhibit 13** is a true and correct copy of Supplemental Schedules 3.0, 4.0, and 5.0 to the expert report of Neil Zoltowski.

16. Attached as **Exhibit 14** is a true and correct copy of excerpts from the June 14, 2019 deposition of Neil Zoltowski.

17. Attached as **Exhibit 15** is a true and correct copy of Plaintiff's Amended Notice of Deposition under Fed. R. Civ. P. 30(b)(6) of Federal Insurance Company.

18. Attached as **Exhibit 16** is a true and correct copy of excerpts from the July 31, 2018 deposition of Henry Mirolyuz.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 8, 2019

s/ Terrence J. Fleming